

From: Sunil Weerakkody *NR*
To: Neil OKeefe; Marlayna Vaaler
Cc: Phil Qualls; Rebecca Nease; John Rogge; Robert Daley; Alex Klein; Daniel Frumkin
Subject: RE: Talking points/Q&A's for plants submitting fire protection OMA exemption requests
Date: Friday, March 13, 2009 7:36:23 AM

Neil, (and others)

My apologies on behalf of Marlayna. She issued the subject document without DRA involvement because of an urgent assignment that she received. I have asked Alex's staff to review Marlayna's input. In the mean time, please ask you management to not react to this email.

Sunil

From: Neil OKeefe *RY*
Sent: Thursday, March 12, 2009 3:42 PM
To: Marlayna Vaaler
Cc: Phil Qualls; Rebecca Nease; John Rogge; Robert Daley; Alex Klein; Sunil Weerakkody
Subject: RE: Talking points/Q&A's for plants submitting fire protection OMA exemption requests

Marlayna,

Your document is mostly right, but I need to correct some statements. Also, it is missing any kind of statement about what the NRC is going to do about finding out what non-compliances are still not fixed and how they will be addressed in enforcement space. Please see my comments about excerpts from you document.

- Plants licensed after January 1, 1979 (i.e. compliance with 10 CFR Part 50, Appendix R, Paragraph III.G.2, is not directly required), have addressed their OMA noncompliances via license conditions established by GL 86-10, which allows licensees to make changes to their fire protection programs without prior NRC approval provided the changes do not adversely affect the ability of the plant to shut down.

These plants MAY address their OMA compliances in this was. We can't say that they have already.

- NRC and NEI identified 9 plants with the potential to submit exemption requests/license amendments to correct their OMA noncompliances related to fire induced circuit failures by the expiration of enforcement discretion: Peach Bottom, Three Mile Island, Browns Ferry, Pilgrim, Oyster Creek, Indian Point, Fitzpatrick, Hatch, and Wolf Creek.

This implies that this is the whole population of concern. This is not the case. We don't know how many plants are not done fixing these problems and just haven't come forward yet.

E-1

1. At this time, regional inspections have not identified any significant **safety** issues regarding OMAs at any of the affected plants.
- A portion of the NRC's fire protection inspection activities includes review of OMAs for selected fire areas based on risk insights. At this time, Regional inspections have not identified any significant safety issues regarding fire protection OMAs that would be used during fire scenarios involving fire induced circuit failures.

At this time, we have no idea what the licensees have identified but not told us. These statements give the wrong impression in a big way.

- Our primary mission is to protect public health and safety and ensure that nuclear power plants are in a condition that permits safe operation. In carrying out this mission, we will conduct close and detailed oversight of the affected units to ensure that all regulatory and safety issues are fully addressed.
- At this time, none of the noncompliances identified suggest an immediate safety concern. As such, there is no need to order any of the affected units to be shut down.
- Onsite staff, Regional specialists, and HQ personnel are closely monitoring the licensees' progress toward resolution of the existing identified noncompliances.
- A portion of the NRC's fire protection inspection activities includes review of OMAs for selected fire areas based on risk insights. At this time, Regional inspections have not identified any significant safety issues regarding fire protection OMAs that would be used during fire scenarios involving fire induced circuit failures.

These statements overstate what the inspectors know and are pursuing about these OMA issues. The enforcement discretion allowed and encouraged licensees to identify and correct their OMA problems. It also made our inspection efforts back off while they worked on it. We inspect this area once every 3 years. We do not follow this closely, and we do not know what our licensees have identified or failed to correct. We certainly cannot make judgments about the safety significance of these issues in our current state of ignorance.

- Plants licensed to operate on or after January 1, 1979, are not required to meet the requirements of 10 CFR Part 50, Appendix R, Paragraph III.G.2. Hence, a previous staff decision in an SER that approves the use of OMAs does not require exemption under 10 CFR 50.12.

This is not correct. A post-79 plant must meet this requirement of the equivalent from the SRP. The staff may approve OMAs in an SER using a deviation instead of an exemption. The wording of the above is very different than this.

Neil O'Keefe
Chief, Engineering Branch 2, RIV
(817) 860-8137

From: Marlayna Vaaler, *MX*
Sent: Wednesday, March 11, 2009 3:18 AM
To: Marlayna Vaaler; Allen Howe; Robert Nelson; Joseph Giitter; Tom Boyce (NRR)
Cc: Eva Brown; John Boska; Daniel Frumkin; Doug Starkey; Keith Young; Alex Klein; Sunil Weerakkody; Paul Lain; Bhalchandra Vaidya; Harold Barrett; Steven Laur; Margaret Stambaugh; Mark Kowal; Rebecca Nease; Shakur Walker; Phil Qualls; Laura Kozak; Greg Pick; John Rogge; Robert Daley; Neil O'Keefe; Sam Collins; Victor McCree; Jack Grobe; Eric Leeds; Leonard Wert; James Kim; Balwant Singal; Donna Wright; Melanie Wong; Darrell Roberts; Marc Dapas; Mel Gray; Harold Chernoff; Bruce Boger; Jim Wiggins; Richard Conte; Robert Martin; Scott Burnell
Subject: Talking points/Q&A's for plants submitting fire protection OMA exemption requests

All:

Per last week's communication on this issue, please find attached the preliminary talking points/Q&A's for the subject topic.

These are all currently still in **draft** form, but represent the best and most complete information I have at the moment. I welcome any comments, additions, clarifications, corrections, etc. before this document is rolled into the larger communication plan being put together for this issue.

I have begged, borrowed, and stolen a good deal of the information incorporated in the Q&A's, so my thanks to everyone who has been patient enough to make a contribution to this effort!

If you have any questions or concerns on this issue please feel free to contact me at 415.3178.

Thank you and have an excellent week at the RIC!
Marlayna

Marlayna Vaaler, Project Manager

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